135869

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:	)	Docket No. VW-89-C-002
	)	
Carter Industrials, Inc.	)	ADMINISTRATIVE ORDER PURSUANT
Wayne County	)	TO SECTION 106 OF THE COMPRE-
Detroit, Michigan	)	HENSIVE ENVIRONMENTAL RESPONSE
	)	COMPENSATION AND LIABILITY ACT
Respondents:	)	OF 1980 as amended, 42 U.S.C.
	)	Section 9606(a)
	)	
(listed in Attachment #1)	)	Effective Date: April 10, 1989

PREAMBLE

This Administrative Order (Order) is issued on this date to Respondents listed in Attachment #1, located at the addresses listed on Attachment 1.

This Order is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986 Pub. L. 99-499 (CERCLA), and delegated to the Administrator of the United States Environmental Protection Agency (U.S. EPA) by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Assistant Administrator for Solid Waste and Emergency Response and the Regional Administrators by U.S. EPA Delegation Nos. 14-14 and 14-14-A, and to the Director, Waste Management Division, Region V, by Regional Delegation 14-14B.

The State of Michigan has been notified of the issuance of this Order as required by Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a).

This Order requires the Respondent(s) to undertake and complete removal activities at the site to abate an imminent and substantial endangerment to the public health and welfare or the environment arising from the release of hazardous substances at the site.

FINDINGS

1. The office of Carter Industrials, is located at 4690 Humboldt Street in Detroit, Michigan. The site (hereinafter referred to as the "Carter site") encompasses this and adjacent properties. It is situated approximately 1/2 mile southeast of the intersection of Interstate highways 96 and 94.

2. From 1966 to 1986, the Carter site was used to store and salvage scrap metal. From 1966 to 1971, the site was operated by Spector-Carter Metal, while from 1971 to 1986, Carter Industrials, Inc. operated the site. A portion of the scrap metal items accepted at the Carter site included electrical capacitors and transformers.

3. During salvage operations at the site, dielectric fluids containing PCBs were spilled from electrical capacitors and transformers, contaminating soil in the immediate area. Commercial, municipal and residential properties adjacent to the site were contaminated by direct runoff of spilled material, contaminated storm water runoff, wind-blown dust, and tracking of spilled material and contaminated soils by vehicular traffic.

4. In May 1986, the Michigan Department of Natural Resources (MDNR) collected soil samples at the site, revealing PCB contamination at concentrations of up to 510,000 parts per million (ppm). On June 3, 1986, MDNR referred the site to the Emergency Response Section of the U.S. EPA.

5. Federal response actions commenced on June 6, 1986, when U.S. EPA's Technical Assistance Team (TAT) started an extent of contamination study. This study, which included the collection and analysis of over 2000 samples, identified on-site and off-site areas requiring clean-up.

6. U.S. EPA's Region V Emergency Response Section initiated a removal action concurrently with this study. These actions were intended as interim stabilization measures to confine PCB contamination to the Carter site. U.S. EPA's activities consisted of the following major tasks:

a. The stabilization of uncontrolled site perimeters was accomplished by pushing highly-contaminated areas of the perimeter back towards the site interior in order to reduce any further migration of contaminants. In addition, some areas of the site surface were cleared of debris to accommodate the staging of the consolidated contaminated soils from off-site areas.

b. Contaminated soils and debris from the surrounding neighborhood were excavated and consolidated into waste piles on-site.

c. Identifiable PCB items (e.g. capacitors and oils) were removed from the site for off-site disposal (incineration).

d. Larger pieces of scrap metal found on the surface of the site were decontaminated and removed from the site.

e. Municipal streets and alleys in an approximately four square block area surrounding the site were decontaminated.

f. Several alleyways in the vicinity of the site were unable to be cleaned adequately and were repaved.

g. The site was graded to direct runoff toward the southeast section of the site where a system of interception trenches, collection tanks, and mixed media filter units collect and treat the runoff water.

h. A 6-foot chain-link cyclone fence topped with three strands of barbed wire was erected around the site to prevent unauthorized entry.

7. In September and October of 1986, the U.S. EPA and MDNR staff sampled rain gutter sediments and debris in the vicinity of the Carter site. The purpose of this sampling was to determine if PCBs had been transported aerially into the surrounding community. These data show a general radial pattern with PCB levels tending to decrease in a given direction as the distance from the site is increased. PCB levels for the rain gutters sampled ranged from non-detectable to 38 milligrams per kilogram (mg/kg).

8. In October 1986, the TAT took samples from the waste piles, surface soils, subsurface soils, groundwater, and a seep encountered below the surface. Although PCBs were the prime contaminant of concern, sampling and analytical efforts have also revealed the presence of heavy metal contamination in site ash and soil materials. The maximum concentrations of total PCBs and heavy metals in parts per million were as follows:

	WASTE PILES	ASH	SOIL BELOW WASTE PILES	SOIL IN OPEN AREAS
# SAMPLES	7	3	44	41
Max. PCB Concentration	240	12,000	6,800	7,400
Max. Lead Concentration	990	28,000	330	210
Max. Cadmium Concentration	24	34	2.5	6.7
Max Copper Concentration	1600	17,000	36	310
Max Zinc Concentration	2,900	8,500	130	410
Max. Arsenic Concentration	1.7	0.56	4.8	1.4

9. Two buildings and an incinerator on-site were sampled revealing concentrations of PCBs ranging from 6 to 100 micrograms per 100 square centimeters for wipe samples and 85-900 ppm for floor sweep samples.

10. In October 1986, a site inspection report was prepared by the MDNR. Following this, the site was evaluated for the National Priorities List (NPL) using the "Uncontrolled Hazardous Waste Site Ranking System" (HRS). The site received a score of 37.79, making it eligible for inclusion on the NPL. The site was proposed for inclusion on the NPL on June 24, 1988.

11. Sampling undertaken by the MDNR and the City of Detroit in September and October of 1986 has detected PCB contamination at levels up to 4900 mg/kg in the city sewer lines immediately adjacent to the Carter site and along the connecting 18th Street line to the Detroit River.

12. Despite security fencing, 24-hour armed guards, and stepped up Detroit Police patrols, the site has been broken into repeatedly since the U.S. EPA removal action began. Vandals have gained access by removing security fencing, thereby providing unrestricted access to the site by children living nearby. Vandals have repeatedly removed contaminated scrap metal, knocked out walls and broken into contaminated buildings, and vandalized three large transformers on the site. In addition, vandals set fires to the vegetative cover (grass) which was planted on the waste piles to reduce migration of contamination.

13. In October 1988, U.S. EPA acted to improve site security by repairing vandalized fencing. U.S. EPA also attempted to reduce the attractiveness of the site to vandals by removing as much scrap metal and debris as possible.

14. During the 1988 removal action, an underground fuel storage tank was identified at the site. The contents of the tank consists of a 50/50 mixture of gasoline and water.

15. An Endangerment Assessment was completed by the U.S. EPA on January 20, 1989. This assessment reveals that persons in the vicinity of the site may be exposed to significant risks of both carcinogenic and non-carcinogenic effects.

DETERMINATIONS

1. Carter Industrials is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. Section 9601(9).

2. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. Section 9601(21).

3. Respondents (Attachment #1) are either past owners or operators of the Carter site, or those who arranged for disposal or treatment or transport for disposal or treatment of hazardous substances at the Carter site. Respondents are therefore liable persons under Section 107(a) of CERCLA, 42 U.S.C. Section 9607.

4. PCBs are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). PCBs are capable of causing both short-term and long-term local and systemic health effects in humans. Living organisms may accumulate PCBs by absorption, inhalation and ingestion. PCBs have a long retention time in living organisms and each succeeding ingestion of PCBs contributes to a net accumulation. PCBs are known to bio-accumulate in the food chain.

5. PCBs have been shown to produce a variety of adverse effects in studies of aquatic organisms and experimental animals. Such effects are related to the dose of PCBs received, so that a higher dose produces a greater effect. Effects of PCBs observed in experimental animals include weight loss, liver injury, atrophy of lymphoid tissue with suppression of immune response, reproductive impairment such as infertility and low birth rate, carcinogenicity, and death.

6. Persons exposed to PCBs can develop chloracne and based on laboratory animal data, there is a potential for reproductive effects and developmental toxicity as well as oncogenicity in humans exposed to PCBs. PCBs are very stable compounds which can persist for years when released into the environment. Based upon the documented health impacts on humans and the experimental results with laboratory animals, PCBs are a suspected human carcinogen.

7. Lead, cadmium, and arsenic are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). Persons exposed to lead may suffer fatigue, sleep disturbances, constipation, colic, anemia, neuritis, loss of appetite, encephalopathy (which may include learning defects in children), premature deliveries or spontaneous abortions in pregnant women or sterility in men. Cadmium toxicity may manifest itself in the form of kidney damage, severe joint and muscle pain, decreased testosterone levels and possible carcinogenic effects. Human effects of arsenic toxicity include skin lesions, peripheral vascular disease, and peripheral neuropathy. Arsenic is also a suspected human carcinogen.

8. The presence of hazardous substances in the soil at the Carter site constitutes an actual or threatened "release" as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22).

9. The actual or threatened release of hazardous substances from the Facility presents an imminent and substantial endangerment to the public health, welfare, or the environment.

10. The actions required by this Order, if properly performed, are consistent with the National Contingency Plan (NCP), 40 CFR Part 300, as amended, and CERCLA; and are reasonable and necessary to protect the public health, welfare and the environment.

11. The conditions present at the Facility constitute a threat to public health or welfare or the environment based upon consideration of the factors set forth in the NCP, Section 300.65(b)(2). These factors include, but are not limited to, the following:

> a. "actual or potential exposure to hazardous substances or pollutants or contaminants by nearby populations, animals, or food chain";

Past experience has shown that it is difficult, if not impossible, to restrict access completely to the Carter site. As long as PCB waste piles and PCB contaminated buildings remain, in addition to heavy metal contaminated soil, those entering the Carter site will be exposed to these materials. Moreover, the current condition of the waste piles may allow PCBs and heavy metals to migrate into the surrounding residential area through erosion, etc. The Endangerment Assessment presents a calculated incremental carcinogenic risk range of between 1E-08 to 1E-04 for persons exposed to these substances through either ingestion (pica behavior) or direct contact with the soils on-site or those in the surrounding neighborhood.

> b. "high levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate;"

The contaminated soils on-site present a potential for release of contaminants through airborne particulates and volatilization. The occurrence of such migration has been demonstrated in a couple of different ways. The first air sampling data available for the Carter

site measured particulate and volatile PCBs during June and July, 1986. These data revealed particulate time-weighted average PCB concentrations ranging from <0.1 to 1 microgram per cubic meter and volatile PCB concentrations ranging from .1 to 2 micrograms per cubic meter. Sampling of roof gutter sediments in the vicinity of the site has shown PCBs to be present at higher concentrations at locations nearer the site with levels diminishing as the distance in a particular direction from the site increases. Furthermore, PCBs may be tracked off the site by pedestrians or vehicles. Finally, PCB-contaminated sediments in the city sewer leading from the Carter site may be carried away by storm runoff and released into the Detroit River.

The Endangerment Assessment calculates the incremental carcinogenic risk as high as 4E-02 for persons exposed to these substances through inhalation of volatilized compounds at a distance of 1000 meters downwind of the site.

c. "threat of fire or explosion;"

Compressed gas cylinders in poor condition are being found throughout the site. If one of these gas cylinders ruptures, it could result in an explosion or fire which, in turn, might result in dispersing hazardous substances. In addition, there is an underground fuel storage tank filled with a mixture of gasoline and water which presents a threat of fire or explosion.

As mentioned above, grass fires on the site promote the erosion of waste piles, which increases the likelihood of exposure to PCBs via volatilization and particulate migration. Moreover, PCB contaminated soils which are subjected to thermal stress are of concern because of the potential for release of airborne toxic byproducts to the surrounding neighborhood.

12. Given U.S. EPA's difficulties in the past with restricting access to the Carter site and the proximity of a residential neighborhood, U.S. EPA has determined that the site should be deemed a nonrestricted access area. Therefore, in accordance with the PCB Spill Cleanup Policy, 40 CFR Section 761.130(v), U.S. EPA has determined that the cleanup level for the Carter site must be 10 ppm PCBs by weight.

ORDER

Based upon the foregoing Findings and Determinations, and pursuant to Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a), it is hereby Ordered that Respondents undertake the following actions at the Facility:

1. Within ten (10) calendar days after the effective date of this Order, the Respondents shall undertake the interim site safety measures, and operation and maintenance duties outlined below:

a. Provide site security and 24 hour surveillance.

b. Repair any breaches which develop and maintain the fence surrounding the site as such repairs become necessary.

c. Conduct monthly sampling and analysis of the runoff collection and treatment system discharge to determine whether the filtration system is meeting the required PCB discharge criteria

prior to its entering the Detroit City Sewer system. Samples should be analyzed for the following: PCBs to a detection limit of 0.2 parts per billion (ppb) for each Arochlor, Total Suspended Solids and Oil and Grease. The limits in effect for discharge into the Detroit City Sewer system are: less than 1.0 ppb for total PCB, and less than 0.5 ppb of Arochlor 1260. The Respondents shall change the filters in the treatment system tanks whenever these limits are approached or exceeded.

d. Provide for at least monthly inspection of the mechanical and electrical components of the water treatment system.

e. The Respondents shall accept transfer of the account for electrical services for the treatment system pumps into their name and pay for all charges.

2. Respondents shall retain a consultant/contractor qualified to undertake and complete the requirements of this Order, and shall provide U.S. EPA and MDNR with the name of such contractor within ten (10) calendar days of the effective date of this Order. U.S. EPA retains the right to disapprove of any, or all of the contractors and/or subcontractors retained by the Respondents. In the event U.S. EPA disapproves of a selected contractor, Respondents shall retain a different contractor to perform the work, and such selection shall be made within two (2) business days following U.S. EPA's disapproval.

3. On or before the the effective date of this Order, the Respondents shall submit to U.S. EPA and MDNR an outline of the Workplan for the removal activities ordered as set forth in Paragraph 6 below. This outline will be reviewed, modified and/or approved by the U.S. EPA, in conjunction with the MDNR.

4. Within thirty (30) calendar days after EPA approval of the outline of the Workplan, the Respondents shall submit to U.S. EPA and MDNR, a

Workplan for the removal activities ordered as set forth in Paragraph 6 below. The Workplan shall provide a concise description of the activities to be conducted to comply with the requirements of this Order. The Workplan shall also contain the following items: 1) a health and safety plan; 2) a preliminary sampling and analysis plan; 3) a plan for maintaining quality assurance and quality control of all removal and sampling activities undertaken by the Respondents; 4) a post clean-up sampling and analysis plan designed to evaluate the effectiveness of the removal activities after they are completed; **NOTE:** This program shall provide for determination of all Target Analyte List (TAL) and all Target Compound List (TCL) parameters; 5) a detailed description of all arrangements for disposal of all hazardous substances off-site; and 6) a schedule for the completion of the work to be performed. The Workplan shall be reviewed by U.S. EPA and may be subject to modification in part or whole by the U.S. EPA in consultation with the MDNR. Respondents shall implement the Workplan as modified and approved by U.S. EPA. Upon approval by U.S. EPA, the Workplan shall become an enforceable part of this Order. In the event that U.S. EPA, in consultation with the MDNR, disapproves the Workplan, Respondents shall submit a revised Workplan within five (5) business days following U.S. EPA's disapproval of the same.

5. The site Health and Safety Plan shall be prepared in accordance with the Occupational Safety and Health Administration (OSHA) regulations applicable to Hazardous Waste Operations and Emergency Response, 29 CFR Part 1910. The Workplan and other submitted documents shall demonstrate

that the Respondent can properly conduct the actions required by this Order.

6. The Workplan shall be made available for public review and comment for a minimum of thirty (30) days. Following the public review and comment period, EPA retains the right to request modifications or additions to the Workplan. Within ten (10) calendar days following the public review and comment period, Respondents shall implement the Workplan as approved or modified by U.S. EPA. Failure of the Respondents to properly implement all aspects of the Workplan shall be deemed to be a violation of the terms of this Order. The Workplan shall require the Respondents to perform, and complete the following removal activities:

a. Using the information provided in the Engineering Evaluation/Cost Analysis prepared for the U.S. EPA dated December 1986, and any information available in the Administrative Record, the respondents shall design and implement the site clean-up. The site cleanup shall also provide for removal and disposal of the liquid present in the underground storage tank discovered at the site, excavation and removal of the underground storage tank, and sampling and removal of soil which was contaminated by leakage from the tank.

b. The results of the clean-up shall be such that all soils contaminated with PCBs are cleaned up to a level no greater than 10 ppm total PCB. All contaminants other than PCBs, including heavy metals and organics, shall be cleaned up to background levels (discussed below). In addition, the three building structures present at the site (identified as buildings #1, #2, and #3 on the map contained herein as Attachment #3) also showed PCB contamination and will require decontamination and demolition.

c. A post clean-up sampling and analysis program shall be undertaken to ensure the adequacy of removal. All contaminants other than PCBs identified at the site during the Emergency Response Action undertaken in 1986, in the Engineering Evaluation/Cost Analysis, or associated with the underground fuel storage tank discovered in the 1988 removal action, shall be sampled for to assure their removal is also complete. This sampling and analysis program

shall follow the procedures outlined in the post clean-up sampling and analysis plan. The sampling and analysis plan shall also provide for determination of representative background levels for heavy metals in typical residential areas around Detroit. The post clean-up sampling program shall also include an assessment to determine the extent of contamination of sewer lines adjacent to the Carter site, down 18th Street to the combined sewer overflow at the Detroit River.

d. If the results of the post clean-up sampling program reveal PCB levels greater than 10 ppm, or metals concentrations which exceed the background levels for typical residential areas of Detroit, remediation efforts and followup sampling shall continue until these standards have been achieved. If the assessment of the sewer lines required in paragraph (6c) reveal contamination attributable to the Carter site, a remediation program for the sewer lines may be required.

e. When followup sampling has verified that the target cleanup levels have been achieved, areas where excavation has occurred shall be backfilled with clean material consistent with the Toxic Substances Control Act (TSCA) PCB Spill Policy (Final Rule: 40 CFR Part 761; April 2, 1987) and as directed by the On-Scene Coordinator (OSC). In addition, the whole site shall be graded to its previous contour after backfilling.

7. All materials removed from the Carter site shall be disposed of or treated at facilities approved by the U.S. EPA On-Scene Coordinator and, in addition, in compliance with applicable or relevant and appropriate provisions of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 et seq., the Toxic Substance Control Act (TSCA), 15 U.S.C. Section 2601, et seq., and other Federal, State, and local requirements, as well as U.S. EPA's Off-site Response Policy from J. Winston Porter (dated: November 13, 1987).

8. The U.S. EPA, MDNR, and the Respondent(s) shall each have the right to change their respective designated On-Scene Coordinator or Project Coordinator. Such a change shall be accomplished by notifying the other parties as early as possible before such a change is made, but in no case less then 24 hours before such a change. Notification may initially be

verbal, but shall promptly be followed-up in writing.

9. The U.S. EPA On-Scene Coordinator shall have the authority vested in an On-Scene Coordinator by the NCP, 40 CFR Part 300, as amended, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by U.S. EPA or the Respondent(s) at the facility.

10. No extensions to the above time frames shall be granted without sufficient cause. All extensions must be requested, in writing, and shall not be deemed accepted unless approved, in writing, by U.S. EPA.

11. All instructions by the U.S. EPA On-Scene Coordinator or his designated alternate, consistent with the terms of this Order and with the NCP, 40 CFR Part 300, shall be binding upon the Respondent(s).

12. To the extent that the Facility or other areas where work under this Order is to be performed is under ownership or possession by someone other than the Respondent(s), Respondent(s) shall obtain all necessary access agreements. In the event that after using their best efforts, Respondents are unable to obtain such agreements, Respondent(s) shall immediately notify U.S. EPA and U.S. EPA shall then assist Respondent(s) in gaining access, to the extent of its authority under Section 104 of CERCLA.

13. Respondent(s) shall provide access to the Facility to U.S. EPA and MDNR employees, contractors, agents, and consultants at reasonable times,

and shall permit such persons to be present and move freely in the area in order to conduct inspections, including taking photographs and videotapes of the Facility,to do cleanup/stabilization work, to take samples to monitor the work under this Order, and to conduct other activities which the U.S. EPA in conjunction with the MDNR, determines to be necessary.

14. Nothing contained herein shall be construed to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order, or from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondents in the future to perform additional activities pursuant to CERCLA, 42 U.S.C. Section 9601 et seq., or any other applicable law.

15. The provisions of this Order and the directions of the On-Scene Coordinator shall be binding on the employees, agents, successors, and assigns of the Respondent(s).

16. This Order shall be effective on April 10, 1989, unless modified by the Waste Management Division Director.

17. Within five (5) calendar days of the effective date of this Order, Respondent(s) shall provide notice, verbally or in writing, to U.S. EPA stating their intention to comply with the terms of this Order. Verbal notification must be followed in writing within ten (10) calendar days of the effective date of the Order. In the event any Respondent fails to

provide such notice, that Respondent shall be deemed not to have complied with the terms of this Order.

18. Copies of all records and files relating to hazardous substances found on the site shall be made available to the U.S. EPA On-Scene Coordinator and MDNR Project Coordinator prior to the termination of the cleanup of the site. Respondents shall retain during the pendency of this Administrative Order and for a period of ten (10) years after its termination, all records and documents in their possession, custody, or control which relate to the performance of this Administrative Order, including, but not limited to, documents reflecting the results of any sampling, tests, or other data or information generated or acquired by any of them, or on their behalf, with respect to the site. After the ten year period of document retention, Respondents shall notify U.S. EPA and MDNR, ninety (90) calendar days prior to the destruction of any such documents, and upon request by U.S. EPA or MDNR, Respondents shall relinquish custody of the documents to U.S. EPA or MDNR.

19. All notices, reports and requests for extensions submitted under terms of this Order shall be sent by certified mail, return receipt requested, and addressed to the following:

one copy — Jon Peterson
U.S. EPA 5HS-11
230 South Dearborn
Chicago, Illinois 60604

one copy — Timothy Thurlow
U.S. EPA 5CS-TUB-3
230 South Dearborn Street
Chicago, Illinois 60604

one copy Denise Gruben
Michigan Department of Natural Resources
Knapp's Centre
300 S. Washington
Lansing, MI 48933

ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting the above Determinations and Findings is available for review on normal business days between the hours of 9:00 a.m. and 5:00 p.m. in the Waste Management Division, United States Environmental Protection Agency, Region V, 230 S. Dearborn Street, 11th Floor, Chicago, IL. Please contact Jon Peterson, Project Manager, at (312) 353-1264 to review the Administrative Record. An index of the Administrative Record updated with information requested or received following the February 8, 1989 conference will be transmitted under separate cover.

The Administrative Record is also available for review at the address and during the hours listed below:

Address: The Reference Desk
Department of Sociology and Economics
c/o Librarian
Detroit Public Library
5201 Woodward
Detroit, MI 48202

Hours: Monday - Saturday 9:30 a.m. - 5:30 p.m.
except Wednesday; 9 a.m.-9 p.m.
Closed Sunday

OPPORTUNITY TO CONFER

On February 8, 1989, the U.S. EPA and MDNR held a conference with the Respondents. At that time, Respondents asked U.S. EPA to postpone the effective date of the Order to give them time to organize a PRP Committee

and to develop a project proposal. In an effort to promote volunatary compliance U.S. EPA has issued this amended Unilateral Administrative Order extending the effective date from February 13, 1989 to April 10, 1989. This Administrative order supersedes the Administrative Order issued on January 24, 1989.

The U.S. EPA Administrative Record Index and the Planning and Compliance Schedule attached to the January 24, 1989 Administrative Order, and referenced again in this Administrative Order, have been adjusted in response to requests made by the Respondents at the February 9, 1989 conference. The Administrative Record index will be transmitted under separate cover. The revised Planning and Compliance Schedule has been included herein as Attachment #3.

A technical conference with the contractor chosen by the PRP Committee is hereby requested by the U.S. EPA on or before March 15, 1989. If you have any questions, please call Jon Peterson at (312) 353-1264.

Any comments regarding this Order, its applicability, or any factual determinations upon which the Order is based, the appropriateness of any action which Respondent(s) are ordered to take, or any other relevant and material issue must be reduced to writing and submitted to U.S. EPA within thirty (30) days of the effective date. Any such writing should be directed to Timothy Thurlow, Assistant Regional Counsel, at the address cited above.

Respondent(s) are hereby placed on notice that U.S. EPA will take any action which may be necessary in the opinion of U.S. EPA for the protection of public health and welfare and the environment, and Respondent(s) may be liable under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a), for the costs of those government actions.

PENALTIES FOR NONCOMPLIANCE

Respondent(s) are advised pursuant to Section 106(b) of CERCLA, 42 U.S.C. Section 9606(b), that willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject the Respondent(s) to a civil penalty of no more than $25,000 per day for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause may also subject the Respondent(s) to liability for punitive damages in an amount three times the amount of any cost incurred by the government as a result of the Respondent's failure to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. Section 9607(c)(3).

By: David G. Constantelos

Basil G. Constantelos, Director
Waste Management Division
United States Environmental
Protection Agency
Region V

February 28, 1989

ATTACHMENT #1

Thomas Carter
1826 Chatham
Troy, MI 48084

City of Detroit
Jefferson Avenue Sewage
Treatment Plant
735 Randolph
Detroit, MI 48226

David Gordon
Mary Gordon
c/o 5960 Vancover
Detroit, MI 48204

Ed Levy Company
ATTN: S. Evan Weiner,V.P.
8800 Dix Avenue
Dearborn, MI 48209

General Motors Corporation
Central Foundry Division
1805 Veteran Memorial Parkway
Saginaw, MI 48601

J.E. Berger Corporation
P.O. Box 02669
5300 Bellevue Avenue
Detroit, MI 48211

Medsker Electric, Inc.
ATTN: Robert P. Medsker
28650 Grand River
Farmington, MI 48024

River Electric Co. Inc.
P.O. Box 108
160 Catrell Drive
Howell, MI 48844

Shaw Electric Company
ATTN: George Friess, Pres.
P.O. Box 2217
33200 Schoolcraft Road
Livonia, MI 48150

Thomas Goodfellow Trucking,Inc
5201 Rosa Park Blvd.
Detroit, MI 48208

Chrysler Corporation
Attn: Michael Grice
12000 Chrysler Drive
P.O. Box 2255
Detroit, MI 48288

Consumer Power Company
1955 West Parnall Road
Jackson, MI 49201

Detroit Edison
4695 West Jefferson
Trenton, MI 48183

Fischer Body
3001 Van Dyke Avenue
Warren, MI 48093

Gordon Electric
Attn: David Gordon
5960 Vancouver
Detroit, MI 48204

James Clark
2713 Earle Place
Detroit, MI 48208

Michigan Bell Telephone
ATTN: Brian J. Jordan, Atty.
444 Michigan
Detroit, MI 48226

Rouge Steel Company
Ford Motor Company
3001 Miller Road
Dearborn, MI 48120

Standard Lead Co. Inc.
ATTN: Ansel Aberly,
President
21000 Hoover Road
Warren, MI 48089

Chrysler Corporation
Sterling Heights Assembly Plnt
3811 Van Dyke
Sterling Heights, MI 48659

City of Detroit,
Dept. Public Lighting
ATTN: W.F. Gaughan, Sup.
9449 Grinnell Avenue
Detroit, MI 48213-1176

Cotter Electric
ATTN: William L. Cotter
160 Catrell
Howell, MI 48843

Detroit Edison
ATTN: Morton Sterling, Di
Environ. Protection
2060 2nd Street
Detroit, MI

Ford Motor Company
ATTN: J.M. Rintamaki
P.O. Box 1639
Dearborn, MI 48121

Irving Dubrinskey
P.O. Box 32622
Detroit, MI 48332

Myra Carter
1826 Chatham
Troy, MI 48084

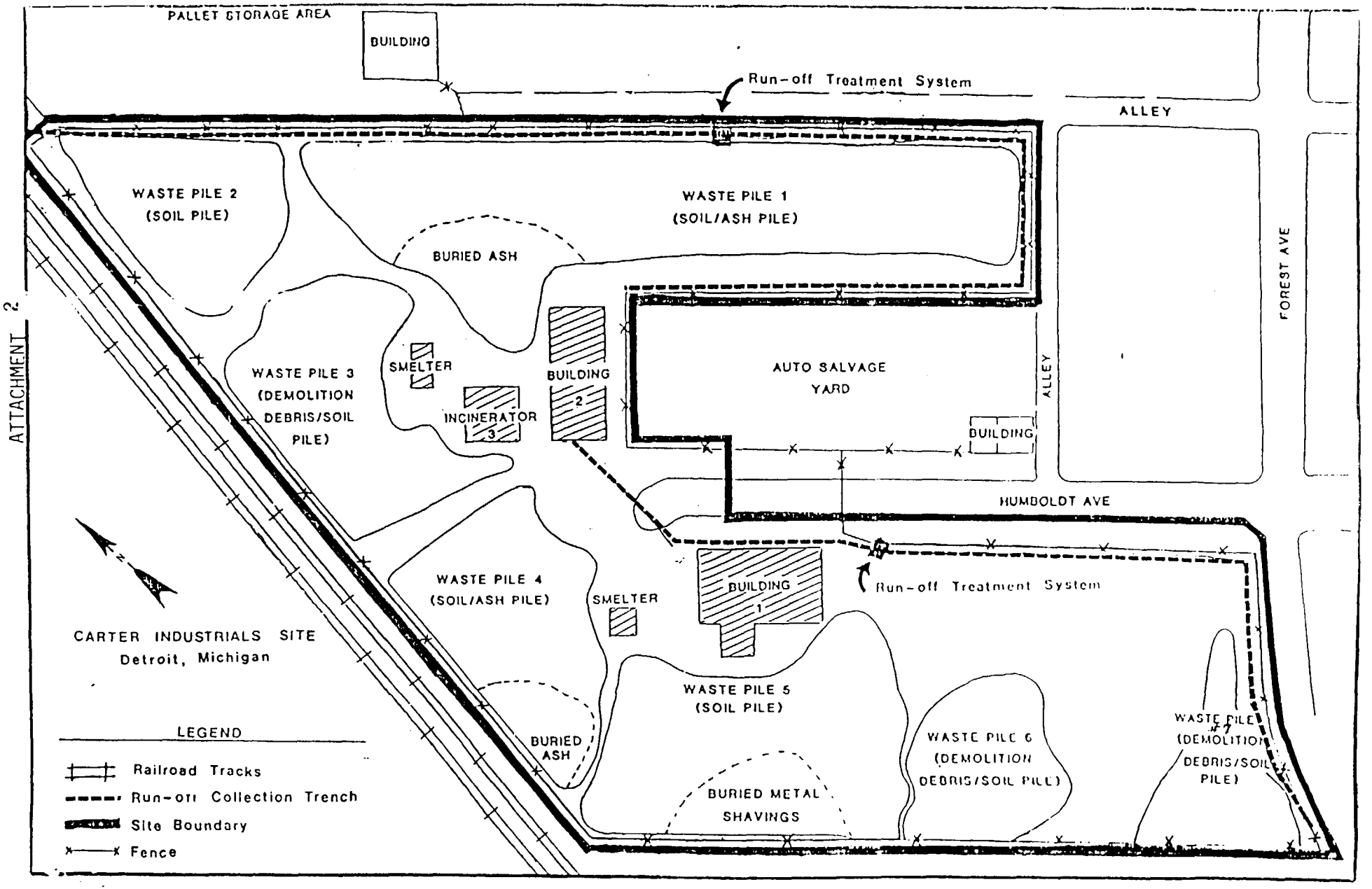
Minkin Chandler
ATTN: Jerold R. Minkin
13501 Sanders
Detroit, MI 48217

GM Iron Plant
Saginaw Grey Iron Plt.
1629 N.Washington Av.
Saginaw, MI 48601

Detroit Edison
ATTN: Walter J. McCarthy
2000 Second Avenue
Detroit, MI 48226

W.C. Electric Company
5449 Sylvia
Dearborn Heights, MI 482

ATTACHMENT 2



ATTACHMENT 3

Timeline for Carter Industrials
Pursuant to Unilateral Administrative Order

ACTIVITY	Deadline Date	Feb	Mar	Apr	May	Jun	Jul
Conference with PRPs	02/08/89	X					
Meeting w/Technical Consultant	03/15/89		X				
Effective Date of Order	04/10/89			X			
Submit Outline for Workplan	04/10/89			X			
Verbal Not./Intention to Comply	04/14/89			X			
EPA reviews outline/responds	04/17/89			X			
Notice of choice of consultant	04/20/89			X			
Written Not./Intent to Comply	04/20/89			X			
Interim Site Safety Measures	04/20/89			X			
Respondents Submit Final WP	05/17/89				X		
Final Workplan Public Noticed	05/26/89				X		
Comment period for Workplan	06/26/89					X	
EPA reviews comments/responds	07/10/89						X
EPA returns WP as modified	07/14/89						X
Implement site cleanup	07/15/89						X
Respondents develop cleanup schedule							